



Docket No.: 049051-0223

## DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter claimed and for which a patent is sought on the invention entitled ENCAPSULATED OBJECT ORIENTED POLYPHASE PREBOOT EXECUTION AND SPECIFICATION LANGUAGE, the specification of which

☐ is attached hereto.

☒ was filed on February 27, 2004 as Application Serial No. 10/787,225.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is known to me to be material to patentability in accordance with Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

### **Prior Foreign Applications(s):**

Number	Country	Day/Month/Year filed	Priority Claimed
			<input type="checkbox"/>
			<input type="checkbox"/>

I hereby claim the benefit under 35 USC §119(e) of any United States provisional application(s) listed below.

### **Prior Provisional Application(s):**

Application Number	Filing Date
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I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

**Prior U.S. Application(s):**

Serial No.

Filing Date

Status: Patented, Pending, Abandoned

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint the practitioners associated with the firm and Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

McDERMOTT, WILL & EMERY  
Customer Number: 31824

I also hereby appoint Rick Weisberg, Reg. No. 43,254 to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

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Full name of sole or first inventor: Andrew T. Fausak

Inventor's signature:



Date: 9/8/2004

Residence: 255 Dondero Way, San Jose, CA 95119

Citizenship: US

Post Office Address: c/o Wyse Technology Inc., 3471 N. First Street, San Jose, CA  
95134

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FORM PTO-1595  
(Rev. 10/02)

RECORDATION FORM COVER SHEET

U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Docket No.: 049051-0223

PATENTS ONLY

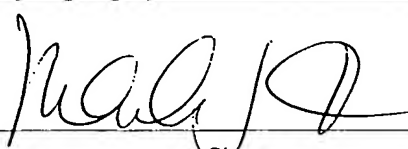
To the Honorable Commissioner for Patents and Trademarks: Please record the attached original documents or copy thereto:

<p>1. Name of Conveying Party(ies): Andrew T. Fausak</p> <p>Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>3. Nature of Conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other</p> <p>Execution Date: September 8, 2004</p>	<p>2. Name and address of receiving party(ies): Name: Wyse Technology Inc. Address: 3471 N. First Street  San Jose, CA 95134</p> <p>Additional name(s) &amp; address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
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<p>4. Application number(s) or patent number(s): If the document is being filed together with a new application, the execution date of the application is: September 8, 2004</p> <p>A. Patent Application No(s). 10/787,225</p> <p>B. Patent No(s).</p> <p>Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
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<p>5. Name and address of party to whom correspondence concerning document should be mailed: Name: MCDERMOTT WILL &amp; EMERY LLP Internal Address:  Street Address: 18191 Von Karman Ave., Suite 400  City: Irvine State: CA Zip: 92612-7107</p>	<p>6. Total number of applications and patents involved: 1</p> <p>7. Total fee (37 CFR 3.41) \$40.00 <input type="checkbox"/> Enclosed <input checked="" type="checkbox"/> Authorized to be charged to deposit account</p> <p>8. Deposit account number: 502203</p>
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DO NOT USE THIS SPACE

<p>9. Statement and signature. <i>To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.</i></p> <p>Mark J. Itri, Reg. No. 36,171</p> <p>Name and Registration No. of Person Signing</p>		<p></p> <p>Signature</p>	<p>September 14, 2004</p> <p>Date</p>
		<p>Total number of pages including cover sheet: 2</p>	

OMB No. 0651-0027 (exp. 6/30/2005)

ASSIGNMENT

WHEREAS I, Andrew T. Fausak of 255 Dondero Way, San Jose, CA 95119, have made a certain new and useful invention as set forth in an application for United States Letters Patent, entitled ENCAPSULATED OBJECT ORIENTED POLYPHASE PREBOOT EXECUTION AND SPECIFICATION LANGUAGE, executed by me on the date of execution of this document, as shown below, for which an application for United States Letters Patent was filed on February 27, 2004, and identified by United States Serial No. 10/787,225;

AND WHEREAS, Wyse Technology Inc., a corporation of the State of California and having an address of 3471 N. First Street, San Jose, CA 95134 is desirous of acquiring the entire right, title and interest in and to said invention and in and to any and all Letters Patent of the United States and foreign countries which may be obtained therefor;

NOW, THEREFORE, for good and valuable consideration, the receipt for and sufficiency of which is hereby acknowledged, I do hereby sell, assign, transfer and set over unto Wyse Technology Inc., its legal representatives, successors, and assigns, the entire right, title and interest in and to said invention as set forth in the above-mentioned application, including the right of priority and including any continuations, continuations-in-part, divisions, reissues, re-examinations or extensions thereof, and in and to any and all patents of the United States and foreign countries which may be issued for said invention;

UPON SAID CONSIDERATIONS, I hereby agree with the said assignee that I will not execute any writing or do any act whatsoever conflicting with these presents, and that I will, at any time upon request, without further or additional consideration but at the expense of said assignee, execute such additional assignments and other writings and do such additional acts as said assignee may deem necessary or desirable to perfect the assignee's enjoyment of this grant, and render all necessary assistance in making application for and obtaining original, divisional, continuations, continuations-in-part, reexamined, reissued, or extended Letters Patent of the United States or of any and all foreign countries on said invention, and in enforcing any rights or choses in action accruing as a result of such applications or patents, by giving testimony in any proceedings or transactions involving such applications or patents, and by executing preliminary statements and other affidavits, it being understood that the foregoing covenant and agreement shall bind, and inure to the benefit of the assigns and legal representatives of assignor and assignee;

AND I request the Commissioner for Patents and Trademarks to issue any Letters Patent of the United States which may be issued for said invention to said Wyse Technology Inc., its legal representatives, successors or assigns, as the sole owner of the entire right, title and interest in and to said patent and the invention covered thereby.

Date

9/8/2004

Signature

